

## REMARKS

Claims 1-23 and 25-30 are pending.

Claims 1-23 and 25-30 stand rejected under 35 USC §103(a) as being allegedly unpatentable over *Ahmavaara et al.* (2005/0272465) in view of *Melpignano* (2005/0176473).

### **Changes in the Claims:**

Claims 1, 9, 17 and 27 have been amended in this application to further particularly point out and distinctly claim subject matter regarded as the invention. The amendments are supported by the specification, for example, in paragraph [0015], lines 5-8 of the original application: “a standard protocol that is supported in the industry for WLAN authentication is the EAP-SIM protocol...” In addition, claims 31 and 32 have been newly added. Thus claims 1-23 and claims 23-32 remain pending. No new matter has been added.

### **Rejection under 35 USC §103(a)**

Claims 1-23 and 25-30 stand rejected under 35 USC §103(a) as being allegedly unpatentable over *Ahmavaara et al.* (2005/0272465) in view of *Melpignano* (2005/0176473). This rejection is respectfully traversed.

Under MPEP §706.02(j), in order to establish a *prima facie* case of obviousness required for a §103 rejection, three basic criteria must be met: (1) there must be some suggestion or motivation either in the references or knowledge generally available to modify the reference or combine reference teachings (MPEP §2143.01), (2) a reasonable expectation of success (MPEP §2143.02), and (3) the prior art must teach or suggest all the claim limitations (MPEP §2143.03). See *In re Royka*, 490 F. 2d 981, 180 USPQ 580 (CCPA 1974).

*Ahmavaara* describes a method for providing access from a WLAN network to a GPRS service. “A terminal device or UE 10 which is subscribed to a GPRS service and wishes to get access to the service, first transfers a service selection information indicating at least one APN parameter and an optional username and password via the WLAN 30 to an authentication server 50 of the GPRS network 70 by using an

authentication signaling, e.g. an authorization request message (1<sup>st</sup> step).” (Emphasis added) *Ahmavaara*, paragraph [0025].

*Melpignano* describes a mobile device that can connect to the internet using WPAN, WLAN, GPRS or 3G.

Applicant respectfully submits that the proposed combination of *Ahmavaara* and *Melpignano* does not teach or suggest all of the claim limitations in claims 1-23 and 25-32. In particular, neither *Ahmavaara* nor *Melpignano* teaches or suggests claim element “authenticate access to a new wireless local area network (WLAN)” in independent claims 1, 9, 17, 27, and new claims 31 and 32. In *Ahmavaara*, a **WLAN access is pre-established**, i.e. evidenced by the language “via the WLAN”, before sending authentication message to an authentication server 50. See *Ahmavaara* paragraph [0025] lines 7-8. Also see *Ahmavaara* paragraph [0026] lines 4-5 and Figure 2: “a WLAN UE 10 is connected via a wireless connection to an access point 20 of a WLAN 30.” (Emphasis added). Therefore, *Ahmavaara* does not teach or suggest how to “authenticate access to a **new wireless local area network (WLAN)**” using credential information stored in a SIM.

Further, applicant respectfully submits that *Ahmavaara*’s teaching of authenticating access to a cellular packet-switched (GPRS) service via a WLAN does not suggest authenticating access to the WLAN. Even if the authentication server 50 and the gateway 60 in *Ahmavaara* support more than GPRS functionalities, they must still be located in “any backbone network or subsystem of the WLAN or any other network accessible by the WLAN 30.” See *Ahmavaara* paragraph [0034], lines 5-9, emphasis added. Therefore, having authenticated access to the WLAN is an indispensable prerequisite to *Ahmavaara*, and **teaches away** from the presently claimed “authenticate access to a **new WLAN**” element.

Since *Melpignano* is silent as to “authenticate access to a **new wireless local area network (WLAN)**,” applicant respectfully submits that at least for the above reasons, the proposed combination of *Ahmavaara* and *Melpignano* does not teach or suggest all of the claim limitations in claims 1-23 and 25-32.

Applicant therefore submits that the rejection based the *Ahmavaara* and *Melpignano* references be withdrawn. Thus, Applicant submits that claims 1-23 and 25-

32 recite novel subject matter which distinguishes over any possible combination of *Ahmavaara* and *Melpignano*.

### **Conclusion**

For all of the above reasons, applicants submit that the amended claims are now in proper form, and that the amended claims all define patentable subject matter over the prior art. Therefore, Applicants submit that this application is now in condition for allowance.

### **Request for allowance**

It is believed that this Amendment places the above-identified patent application into condition for allowance. Early favorable consideration of this Amendment is earnestly solicited.

### **Invitation for a Telephone Interview**

If, in the opinion of the Examiner, an interview would expedite the prosecution of this application, the Examiner is invited to call the undersigned attorney at the number indicated below.

### **Extension of Time**

Pursuant to 37 C.F.R. 1.136(a)(3), applicant(s) hereby request and authorize the U.S. Patent and Trademark Office to (1) treat any concurrent or future reply that requires a petition for extension of time as incorporating a petition for extension of time for the appropriate length of time and (2) charge all required fees, including extension of time fees and fees under 37 C.F.R. 1.16 and 1.17, to Deposit Account No. 02-2666.

Respectfully submitted,

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